

REQUIREMENTS

- A. A TCA customer cannot displace a regular employee by being placed in a work activity with an employer who has laid off or terminated the regular employee in order to fill the vacancy with the TCA subsidized customer
- B. Maryland Executive Order 01.01.1997.03 includes the following actions as displacement:
1. The employer has terminated the employment of an employee, the employee's current position, or otherwise caused an involuntary reduction in its work force
 2. An individual is hired for the same or substantially equivalent position while another is on layoff, including seasonal layoffs
 3. The employer has reduced the hours of any employee in the same or substantially equivalent position to less than full-time, or
 4. Such employment or assignment results in the impairment of an existing contract for services
- C. Maryland Executive Order 01.01.1997.03 includes the following work activities for TCA adults as being subsidized:
1. Subsidized Private Sector Employment
 2. Subsidized Public Sector Employment
 3. Work Experience
 4. On-the-Job Training
 5. Community Service
- D. If there was inadvertent displacement, the local department:
1. Ends the subsidy in a case of subsidized employment
 2. Removes the customer from the work experience, on-the-job training, or community service position for that employer, and
 - Places the customer who is non-exempt in another work activity
 - Places the exempt customer who wants to continue to volunteer in another work activity

GRIEVANCE PROCEDURES FOR DISPLACEMENT

- A. Each local department must develop procedures for resolving grievances alleging displacement
- B. The procedure must include the following guidelines:
1. The complainant: (regular employee):
 - Presents a written complaint to the local department within 30 calendar days of the alleged displacement or within 30 days after becoming aware of the alleged displacement
 - Attends a conference at the local department
 2. The local department:
 - Provides grievance procedure information upon request
 - Must include the name and address of the person to whom the complaint is addressed
 - Immediately contacts any employer alleged to have caused displacement
 - Schedules a conference with the complainant or the complainant and the employer within 10 days of receiving the written complaint
 - Determines within 15 days of the conference if inadvertent displacement occurred and then sends written notice to the complainant and the employer
 - a. The notice must include the right to request a conference before the Welfare Displacement Review Panel if either party disagrees with the initial decision
 - b. Request for a Welfare Displacement Review Panel Conference are sent to:

FIA, Office of work Opportunities, 311 W. Saratoga St.,
Baltimore MD 21201, Attn: Yolanda Parker, Welfare
Displacement Review Panel Coordinator Telephone #
410-767-5598 or FAX to 410-333-6575
 - Stops the subsidy or removes the individual from the work placement if displacement occurred

3. If the complainant or employer wants a conference before the Welfare Displacement Review Panel:
 - That individual must submit the request to FIA within 15 days after the date of the local department decision
 - FIA notifies the local department upon receiving the request
 - The local department sends FIA a copy of the decision and all other pertinent information
- C. The Welfare Displacement Review Panel:
 1. Holds a conference within 30 calendar days of the date FIA received the request
 - The date and location is included in the conference notification
 2. Issues a written decision within 30 days after the conference
 - If the employer or complainant is dissatisfied with the decision that individual may appeal the decision to the Office of Administrative Hearings
- D. The Office of Administrative Hearings (OAH):
 1. Sends a notice of the hearing to both parties at least 15 days before the hearing
 2. Advises both parties of their right to be represented by an attorney or other person
 3. Advises both parties that they may examine the local department records for information pertinent to the appeal, provided that all confidential information remains confidential
 4. Conducts an open hearing
 - The burden of proof is on the employee
 5. Issues a decision within 90 days of the date the hearing was requested which is:
 - Sent to the employer, employee, and local department
 - Binding on the local department and subject to review by the circuit court

EXAMPLES

Example 1. John Public files a complaint on July 16 stating that he lost his job because his company is getting subsidies to hire welfare mothers

- The local department must hold a conference by July 26
- The local department must make a decision by August 10

The local department determines that there was displacement and is going to eliminate the subsidies to that company

- If the employer appeals to the Welfare Displacement Review Panel, no action is taken until the panel issues a decision or it goes to OAH
- If the employer does not appeal, the subsidies are stopped

Example 2 Jane Atlas was hired to work part-time. After several weeks, she learned that some of the staff are TCA customers in work experience positions and she filed a complaint, stating that if the company did not have work experience positions, she could have more hours. At the conference, the company provided proof that all staff was employed part-time for the last 3 years and TCA customers have only been on board for the last year.

- The local department finds that there was not displacement because the company had never hired staff to work more hours
- Jane Atlas can request a conference with the Welfare Displacement Review Panel

ADDITIONAL INFORMATION

- Work and Education – Basic Requirement
- Work and Education – Work Programs
- Appeals & Hearings – Displaced Workers